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SUBJECT: GOC ADVANCES ON LABOR CONCERNS

REF: A. BOGOTA 528
[1](#)B. BOGOTA 1017
[1](#)C. BOGOTA 1197
[1](#)D. BOGOTA 1432
[1](#)E. BOGOTA 1460
[1](#)F. BOGOTA 4860

SUMMARY

[1](#)1. (U) The GOC continues to make progress on labor concerns. The GOC announced plans to make special labor judge jobs permanent positions, and the Colombian National Police's (CNP) new "rewards program" for information on violence against unionists led to the capture of five perpetrators. The Fiscalia's labor sub-unit has resolved 50 cases, resulting in 79 convictions. The GOC introduced a bill to boost the statute of limitations and sentences for crimes against unionists, and the Senate modified the Legality of Strikes bill to require both parties' consent to binding arbitration. With USAID support, the GOC is improving its labor inspection program. Colombia was not included on the list for discussion by the Committee on the Application of Standards at the annual International Labor Organization (ILO) conference, but the GOC voluntarily met with the committee to discuss Colombia. The ILO will expand its staff working on Colombia. END SUMMARY.

JUDICIAL CHANGES

[1](#)2. (SBU) Vice Minister of Labor Andres Palacio told us the GOC plans to change the terms of special labor judges from six-month appointments to permanent positions to ensure continuity. The Ministry of Social Protection (MSP) has informed the three main union confederations of this change, but will not make an official announcement until July when the paperwork is complete. The change partly stems from criticism by labor groups when the independent Appellate Court decided not to reappoint one of the previous three labor judges, Jose Nirio Sanchez, in January 2008 (see reftel A).

REWARDS AND PROSECUTIONS

[1](#)3. (U) The Colombian National Police (CNP) announced on

April 20 a new "rewards program" for individuals who provide information on violent crimes against unionists. CNP International Affairs Director Hector Buitrago told us the program offers up to 100 million pesos (about 55,000 USD) for information on murders or attempted murders of unionists. The ENS reports 25 murders of unionists so far in 2008. The program has given rewards in two cases, leading to the arrest of two individuals in the 2008 homicides. Three other perpetrators have already been arrested in the 2008 homicides.

¶4. (U) The Fiscalia's labor sub-unit has resolved 50 cases resulting in the conviction of 79 perpetrators. Since 2001, the Fiscalia has resolved 87 of the 1280 ILO cases, leading to the conviction of 178 perpetrators. The rate of case resolution has increased significantly since the labor sub-unit's creation in November, 2006.

LEGISLATIVE UPDATES

¶5. (U) On May 19, the GOC introduced a bill to boost sentences related to the murder of unionists from 33.3 years to 60 years. The bill would apply the increased sentences to murders of union members in addition to murders of union leaders. The legislation would also increase the statute of limitations on labor violence cases from ten to thirty years.

¶6. (SBU) The Senate modified the Legality of Strikes Bill; it now requires both parties to consent to binding arbitration. The House version of the bill does not include this change, but Labor Vice Minister Palacio tells us he expects this change to be made during "conciliation" on June 17. The three main labor confederations support this change because it would align the legislation with ILO conventions.

¶7. (SBU) Ivan Toro, a leader in the Colombian Association of Bank Employees (ACEB) and Executive Secretary of the Colombian Workers Confederation (CTC), recognized the new legislation could be dangerous for both workers and businesses, as strikes could go on indefinitely. He noted that in Colombia there is no "right to work". The longer a strike lasts, the more time workers are left without an income. Vice Minister Palacio also voiced concern about this issue, saying that of 37 strikes in 2007 that went to binding arbitration, only one case was requested by the employer and not the union (see reftel F).

EXPANDED LABOR INSPECTIONS PROGRAM

¶8. (U) In May, the GOC held events to highlight its expanded labor inspection program in Cundinamarca department, the largest labor market in the country. USAID gave USD 800,000 to the GOC to fund training and technical assistance to make the labor inspection program more effective. The GOC is committed to boosting the number of labor inspectors from 180 to 387 by 2009. The pilot program started in 2007. By the end of 2008, the GOC hopes to have trained and hired 70 new inspectors, and to have extended the new inspections model to cover over 60% of the total Colombian formal workforce and over 85% of all registered firms.

¶9. (U) Former United Workers' Central (CUT) President Carlos Rodriguez admitted he was skeptical about the expanded labor inspections program. Still, after talking to CUT members in Cartagena, he admits the program has produced results. Rodriguez said an increase in inspectors in the field was the "right answer" as it addresses labors' principal concern: employer abuse of workers through use of cooperatives and short-term contracts. AFL-CIO-supported Solidarity Center Director Rhett Doumitt says he has also heard the program is obtaining union buy-in.

ILO VERDICT AND EXPANDED PRESENCE IN COLOMBIA

¶10. (SBU) At the annual ILO Conference in Geneva May 28-June 13, Colombia was not on the list for discussion by the

Committee on the Application of Standards. Still, the GOC voluntarily met with the committee to discuss Colombia's labor situation. ILO representative in Colombia Marcelo Castro Fox said that although not being on the list could be perceived as a "positive" for the GOC, he noted that due to the Conference Committee discussions on Colombia, criticisms of Colombia will be included in a "special paragraph" in the final conference report.

¶11. (U) Castro Fox told us the ILO added a full-time International Norms manager in February. The International Norms manager is based out of the regional office in Lima; Castro Fox says he makes bi-weekly visits. The ILO plans to add another full-time Colombia-dedicated employee to work on Social Dialogue and Industrial Relations in the months to come. Currently, the ILO office in Bogota has 12 employees--4 program managers and 8 administrative staff.
BROWNFIELD